

JUL 11 2005 4:28PM GLAXO WELLCOME

NO. 7532 P. 3

RECEIVED
CENTRAL FAX CENTER

JUL 11 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Killinger)

U.S. Serial No.: 10/506,879)

U.S. Filing Date: September 3, 2004)

) Applicant Docket #: PR60223 USw

Title: CHILD RESISTANT BLISTER)
PACKAGES UTILIZING)
WALLED STRUCTURES)
ENCLOSING MEDICAMENT)
THEREIN)

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

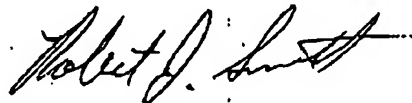
This is responsive to the Office Action dated April 28, 2005. Please reconsider the application in view of the amendments and remarks presented herein.

Claims 14-16 and 30-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over patent document U.S. 2003/0064381 (" '381'"). The Office alleges that the '381 reference suggests that a regimen for the treatment of HIV may include the combination of zidovudine/AZT and viramune and zidovudine/lamivudine. The Office further alleges that Hermelin discloses using the blister pack for containing multiple different medicaments for providing a complex dosing regimen. The Office further indicates that to have provided any dosage amounts for these substances would have been further obvious as discovering a specific workable range or value for the substances.

Applicants respectfully traverse each and every aspect of this rejection. For the reasons stated herein, Hermelin does not lead a person of ordinary skill in the art to the features now recited in these claims. The '381 reference does not address the shortcomings of Hermelin in that it is primarily directed to novel polynucleotides encoding HGPRBMY26 polypeptides, fragments and homologues thereof. Accordingly, Claims 14-16 and 30-32 are not obvious. A withdrawal of this rejection is therefore respectfully solicited.

The points of the Office Action being addressed in full, a Notice of Allowability is respectfully solicited.

Respectfully submitted,



Date: July 11, 2005

Robert J. Smith
Reg. No. 40,820
Attorney for Applicants

GlaxoSmithKline
Corporate Intellectual Property
Five Moore Drive
PO Box 13398
Research Triangle Park, NC 27709-3398
Direct Phone (919)483-9616
Facsimile (919)483-7988

¹ Given the comments in connection with this rejection, presumably Hermelin was intended to be cited as the primary reference.

10 BEST AVAILABLE COPY

| | | | | | |
|--|--|--|--|--|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.51) 10/506879 | | INTERNATIONAL APPLICATION NO. PCT/US2004/016124 | | ATTORNEY'S DOCKET NUMBER PR60223USw | |
|--|--|--|--|--|--|

| | | | | | |
|---|--------------|--------------|-----------|--|----|
| 24. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | CALCULATIONS PTO USE ONLY <div style="border: 1px solid black; height: 100px; width: 100%;"></div> | |
| | | | | \$100.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$0.00 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 36 - 20 = | 16 | x \$18.00 | \$288.00 | |
| Independent claims | 2 - 3 = | 0 | x \$86.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | \$0.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$388.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$0.00 | |
| SUBTOTAL = | | | | \$388.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$0.00 | |
| TOTAL NATIONAL FEE = | | | | \$388.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/> | | | | \$0.00 | |
| TOTAL FEES ENCLOSED = | | | | \$388.00 | |
| | | | | Amount to be: refunded | \$ |
| | | | | charged | \$ |

a. ☐ A check in the amount of _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 07-1392 in the amount of \$388.00 to cover the above fees.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER

23347

Robert J. Smith

SIGNATURE _____

Robert J. Smith

NAME _____

40,820

REGISTRATION NUMBER _____

September 3, 2004

DATE _____